

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

Case No. 1:15-cr-00033

v.

STACEY POMRENKE,

Defendant.

SENTENCING MEMORANDUM

Stacey Pomrenke, by separate document, will file a motion for a downward departure in this matter.

BACKGROUND

Stacey Pomrenke has devoted her life to her family, faith, community and employers. This offense is a total aberration in what has been, by all accounts, a successful and honorable life, career, and service to her family and others. For these reasons and more, a sentence within the Guidelines range presently calculated by the Probation Office is patently unfair. Instead, a variant sentence of probation with a condition of a sufficient number of hours of full-time, rigorous, unpaid community service served over a period of time is “sufficient”, but not “greater than necessary” to provide a just punishment for the offense. Stacey Pomrenke submits this memorandum in aid of sentencing in support of her request for a sentence of probation, along with the alternate type of punishment mentioned above. The Court could impose a sentence of

house arrest which would further serve as sufficient punishment and deterrent under the facts of this case.

A. EARLY YEARS

Stacey Pomrenke was born on August 6, 1972 in Abingdon, Virginia. Her parents, Gregory Gerald Elam and Linda Bradley Elam, raised Stacey and her younger sibling in St. Paul, Virginia. Stacey was born to an 18-year old mother and a 22-year old father. At the age of one, Stacey's parents relocated to Eastern Kentucky for Stacey's father to find a job in the coal mines, after losing his coal mining job in Southwest Virginia. A year later Stacey's dad was able to find work again and they moved back to St. Paul, Virginia.

At the age of three, Stacey had major kidney and bladder surgery and ended up losing complete function of her left kidney.

Growing up, Stacey learned from her parents how to love, how to persevere, how to work hard, the values of Christianity and the importance of always helping others and community. Stacey's mother worked in the home, taking care of her and her younger brother. Mrs. Elam was a devoted, loving, strict mother who taught her children about working hard, especially with school studies, and modeled for her children that you can do anything you dream of as long as you work hard for it. Stacey was raised in a stable family environment by loving, caring and supportive parents. In a March 2008 BVU Update publication, Stacey was recognized for a national award, the article stated "she (Stacey Pomrenke) is gratified by the recognition but is quick to say her parents deserve much of the credit." In that same article, Stacey is quoted to say "I have them to thank for instilling in me a work ethic, honesty, integrity and to treat others as

you would like to be treated, not matter your status. My father is a retired coal miner from Pittston Coal Company. My mother was a stay-at-home mom, very invested in her children. The dangers of my father's job, the love of my mother and the sacrifices they made for my brother and me shaped all aspects of my life, especially my career." (See Exhibit 1, unsealed).

With a 3 ½ year age difference, Stacey assisted, in many ways in raising and mentoring her brother, Dwayne "Bo" Elam. Bo's love and respect for his sister is reflected as he writes in a letter "Ever since I can recall, there is no other person that I have looked up to other than Stacey. She is the big sister that most brothers only read about and don't get the luxury of actually having in their life. Stacey took me under her wing at an early age and was determined for me to beat her in all of my accomplishments. She is selfless in her ways and is always looking for the greater good in people. In essence, she is the person who has helped make me who I am today."¹ (Exh. E, unsealed). They had a very close childhood friendship that remains very close to this day. Stacey is the only Aunt to his two young children and plays a large part in their lives.

Stacey and her family attended St. Paul Assembly of God. Stacey was very active in Sunday School, Missionettes, and Choir and summer camps. She was one of only three young ladies in the history of the church to obtain full badge and crowning of Miss Missionette, a rigorous bible based badge program similar to a girl scouts program. Helen Franks, a friend of the family and a children's ministry coordinator at St. Paul Assembly expresses in a letter to the court "One of the appointments in which I served was a department head over the children's program where Stacey Pomrenke was a student. She was enrolled and active as a student in our Sunday School program

¹ Quotes that are lettered (A-Z, Aa-Ah) refer to letters submitted in support of Stacey Pomrenke. The total number submitted is 104. A portion of the letters are submitted under seal.

as well as the youth program for girls, Missionettes. I have had the pleasure of knowing Mrs. Pomrenke since she was a young child and have always known her to be an aggressive, hard worker that would achieve any goal set before her at St. Paul Assembly of God.” (See Exh. H, unsealed).

Stacey attended St. Paul Elementary School and St. Paul High School. In school, Stacey was highly respected by her classmates and teachers. Ann Worley, Stacey’s first grade teacher reflects “She was a model student throughout her schooling. Stacey was eager to learn, respectful and courteous, all traits instilled in her by her family.” (See Exh. I - unsealed). She was known to be a loyal, kind, honest, enduring and hard-working friend and student. Stacey’s second grade elementary school teacher, Vonda Kidd writes “She was well behaved and excelled in her work in the classroom. Her determination and her will to achieve were superior. I was always proud of her and her accomplishments in her school work.” (See Exh. J, unsealed). Stacey’s elementary and high school classmate and dear friend Wendy Mays Goodwin states in a letter to the court “I had the privilege to call Stacey one of my best friends during this time. Generosity, kindness, and standing up for what is right are the three traits that I remember most when I think back over the course of our friendship.” She goes on to write, “She gave selflessly of her time for our high school yearbook every year. In addition to her yearbook responsibilities, she could also be counted on to help tutor struggling students.” (See Exh. K, unsealed).

B. EDUCATION

Stacey graduated from St. Paul High School in 1990, graduating 7th in her class. Her graduating class elected her as a class officer and she was voted “Most Athletic” and “Ms.

Senior". She played high school girls softball and basketball, named to All-District three years in softball and led her team to a state playoff tournament. After graduating from St. Paul High School, Stacey attended University of Virginia at Wise, formerly Clinch Valley College. Stacey did not live on campus, she lived at home and drove back and forth to classes while holding down a 20-hour plus week part time job. Stacey's decision to go to a local college and live at home, unlike most of her classmates who moved away to attend college and lived the campus life, was driven by Stacey's sensitivity to her parents financial struggles. Stacey's Dad worked hard every day as a coal miner and she knew the risks he took every day to provide for her, her brother and Mom. Stacey's Dad, Greg recalls "I am a retired coal miner, so needless to say, as we raised our kids, we barely got by, we were a happy, healthy little family. Sending two kids to college on a miner's pay was very hard." (See Exh. E, sealed). Stacey's mom, Linda remembers "I was a stay at home Mom up until Stacey's senior year of high school. I went to work her senior year as a cafeteria manager in their school. We had to do this in order to pay for the kids college educations." (See Exh. D, sealed). She did not want to add stress to her parents and she wanted to be close to the important relationship she had with her little brother. To help pay for school, Stacey worked a couple of jobs with a local bank, as a teller during business hours and then as the cleaning lady once the bank closed for the day. She also waitressed on Sunday mornings and afternoons at Shoney's in Wise, Virginia.

Stacey graduated from the University of Virginia at Wise in 1994 with summa cum laude designation. She graduated with a Bachelor of Science in Accounting and a minor in Business Administration.

C. EMPLOYMENT

After completing college, Stacey accepted a job with Penn Virginia Oil and Gas Corporation (PVOG) in Kingsport, Tennessee. Again, Stacey remained in St. Paul, Virginia and made the daily commute to work. Stacey began as a receptionist with PVOG and quickly moved to the accounting department. While working as a receptionist, Stacey took on many accounting tasks to help the accounting department. Her hard work and determination got the attention of the Vice President of Accounting and she was promoted to the Accounting Department and then to a Revenue Distribution Accounting position. During this time, immediately after obtaining her four year degree from UVA Wise, Stacey passed the necessary entrance exams and began the four year journey of working toward an MBA from Virginia Tech. She attended night classes through the remote Abingdon, Virginia VA Tech MBA program while working full time.

In 1995 Stacey took a job with Virginia Gas Company as an accountant, becoming Controller of two of the company's subsidiaries. Stacey's hard work and dedication was recognized by the owner of the company and she was promoted to Vice President one year later, at the age of twenty-four. Angela Cvetkovski, a co-worker and very close friend recalls "During our time at Virginia Gas the Stacey I came to know always went above and beyond what was expected of her. She was tireless in her work ethic and never hesitated to go the extra mile to ensure a project was completed to flawless perfection. Yet, even while driven to excel, she was always approachable, fair and kind to both clients and colleagues. I also believe if you had asked any of our colleagues or associates in the natural gas industry to describe Stacey, a reoccurring description would have included the word integrity." (See Exh. C, sealed).

In a short period of time, Stacey and a staff of three, corrected three years of adverse opinion financial statements. Stacey was integral to the company's Initial Public Offering (IPO) of stock, raising \$9.2M, and then a Secondary Offering, raising \$17M. During these years, Stacey worked 60-plus hour weeks, including weekends and holidays, and spent weeks on end out of town with both the IPO and the secondary stock offering. During this time, Stacey found it difficult to maintain her MBA studies and in the fall of 1997, while spending the majority of the semester in Baltimore, Maryland with the company's secondary stock offering, her studies became secondary to her career and what was required of her from her employer. In October 1997 Stacey moved from St. Paul to Abingdon, Virginia.

In 1998 Stacey was sought after to join a grassroots start up Oil and Gas company in Kingsport, TN. Stacey made the very hard decision to leave Virginia Gas and join Craig Massey and Morgan Massey to start an oil and gas company in SWVA and Eastern Kentucky, Evan Energy Company. Evan Energy was named after Morgan Massey, whose full name was Evan Morgan Massey. Stacey was intrigued with their grassroots vision and had an immediate respect for Craig Massey and Morgan Massey (founder of Massey Coal Company), as she had the very close ties to the coal mining industry which meant so much to her and her family. She joined the company in February 1998 as Chief Financial Officer and as an equity owner of the company. T. Arthur Scott, Jr writes in a letter "My experience with Ms. Pomrenke covers nearly twenty years and several companies. In all of these, I found her to be highly intelligent, dedicated to the company and hard working. In the fall of 1998, Ms. Pomrenke was recruited to Evan Energy, leaving behind a valuable compensation package at Virginia Gas, which reflects on how sought after she was. My work with Ms. Pomrenke then was as an attorney and I was impressed by

her.” (See Exh. P, sealed).

In the Spring of 2000, Stacey and her husband, whom she had dated since the age of nearly 16 and married at the age of 20, divorced after two lengthy separations, one in 1998 and another in 1999. They had married in the Spring of 1992, Stacey’s junior year at the University of Virginia College at Wise.

She and the team at Evan Energy developed a plan and partnered with Houston, Texas based Duke Energy on a \$60M oil and gas project and established a \$50M revolving credit facility with Duke Capital Partners. As the oil and gas reserves did not prove adequate in 2001 and 2002, the Company began to fail.

In February, 2003 Stacey was contacted by JoAnn Nolte, a twenty-year friend, attorney and oil and gas industry colleague, regarding a potential job opportunity. In March 2003 Stacey joined Bristol Virginia Utilities Board (BVU) after being interviewed by a host of people, including BVU’s current and long-time industry consultant, Doug Dawson and economist group, Technical Associates, Ken Strobel and Mike Ileo. Doug Dawson, owner and founder of CCG Consulting writes “I was part of the team that interviewed her and I recommended the company hire her. I found it a bit ironic when she was faulted by the prosecution for saying that she was the key employee at BVU, because in my opinion it was true and she was.” (See Exh. L, unsealed). She had many telephone interviews with this working group as BVU was faced with major accounting issues as they were defending a suit at the Virginia State Corporation Commission (VSCC) and their financial statements were not passing audits. Stacey provided Craig Massey with her resignation and during the four week resignation period, while continuing to work at

Evan Energy, she would come to the BVU office and work four to five hours in the evening and late night to help with very tight filing deadlines with a staff that needed help to get the financial records corrected and filed. Buddy Snodgrass, a retired BVU employee of thirty years writes “Stacey began employment at BVU in March 2003, when BVU was in desperate need of a Financial Leader. She took charge of the Financial responsibilities and made much needed improvements. She did an outstanding job bringing the Financial Department back to a professional level. She was the hardest working and most dedicated employee that I have ever worked with. I can attest to the many hours she worked evenings and weekends to make sure her responsibilities were met.” (See Exh. M, unsealed). Stacey’s predecessor was a CPA. By late 2003 and early 2004, BVU won their suit at the VSCC, received a clean audit by independent third party auditors and completed a \$50.8 million utility system revenue and refunding bond, to provide OptiNet, a competitive telecommunications subsidiary, the funding to expand its services for the residents and businesses of the City of Bristol, VA and surrounding communities. On July 11, 2010 Stacey received a hand written note from Anne Corley, a past BVU Board Member stating “You make me proud to be able to say that I was on the Board when you were hired!” (Exhibit 2, unsealed)) Another board member, Jim Clifton, wrote a note to Stacey on December 15, 2008 stating “Stacey, your efforts and talents are BVU’s greatest strength.” (Exhibit 3, unsealed). In a letter dated September 3, 2004 John Harty, a long standing Bristol, TN resident and retired insurance agent wrote “Having worked with you over the past eighteen months or so, I am aware of the great amount of time and effort that you have given to Bristol Virginia Utilities. They are lucky to have someone of your talent and experience during this challenging period.” (Exh. 4, unsealed). On July 2, 2010 Kyle Hollifield, Vice President of Marketing and

Business Development of BVU sent Stacey a note stating “Thank you for being such a great leader and a warm and caring person. I am honored to know you.” (Exh. 5, unsealed). A September 20, 2011 letter from William E. Ford, President & CEO of SESCO states “Having worked with you for many years, we know that you are not doing what you are doing for the accolades. But I was sure pleased to see the recognition as you have been extremely successful through significant dedication, hard work and professionalism. Frankly, there are few that I have consulted over 23 years that are as committed and professional as you. Certainly, BVU is blessed to have you as part of their leadership team.” (Exh. 6, unsealed). In 2012 Connie Moffatt, BVU OptiNet Sales Manager wrote “Thank you for being such a great boss and a most of all, a dear friend.” (Exh. 7, unsealed).

D. EARLY COMMUNITY INVOLVEMENT

In April, 2004 Stacey married and on January 11, 2005 she had her first child, Kathryn Abigail. Her life completely changed at that moment and family meant more to her than anything. For nearly 10 years her career was her focus and at that moment of the birth of her daughter, her family and their concerns became her utmost concentration. In 2005 Stacey began her selfless, meaningful and determined service to a community that she would raise her children in. In 2003 Stacey accepted an invitation to join the Junior League of Bristol VA / TN (JLB). It was with that organization that she found a group of young ladies committed to community service and to serving others. With the JLB, Stacey served as an officer for many years – more than any other member as she used her financial expertise to guide the treasury function year after year. Suzanne Senter, a Bristol, TN resident and friend, writes “We served on the Board of Directors of the Junior League for several years. I always found Stacey to be forthright and

honest, in fact, during my term as President of the organization, she served as our Finance Vice President. She was crucial in bringing our accounting systems forward into the 21st century and was always very trustworthy and thorough in her responsibilities associated with the finances of the organization. No job was ever too large or small for Stacey and she completed each task with a gracious demeanor and a “can do” attitude.” (Exh. Q, sealed). As Melissa Stewart a Bristol, TN attorney and friend writes “Stacey was always eager to volunteer and share her talents as a leader. I never knew her to say “no” to working on an event or volunteer project.” (Exh. N, unsealed). Similarly, Mary Beth Rainero, a friend and JLB sustaining member, writes “I have known Stacey for several years working together on various community projects. She has been a good volunteer on a number of Community Boards, and has proven to be a valuable asset. She served as the Junior League of Bristol VA/TN Assistant Treasurer and Treasurer, from 2004 through 2008, keeping accurate records. And again she served the Board of the Junior League as their Sustaining Advisor.” (Exh. O, unsealed). Stacey’s collaboration and work with the JLB helped establish, for the first time in JLB history, a “rainy day” fund and was beginning to raise money for a large community project. That project was just announced this year, with construction nearing completion, – a \$100,000 Splash Pad located at Steele Creek Park in Bristol, TN. In a March 31, 2008 Bristol Herald Courier article Stacey states “I want to give back through a community based organization (referring to Junior League of Bristol). I love to see the kids playing on the playground at Sugar Hollow park and know the Junior League helped provide that.” (Exh. 1, unsealed)

Stacey planned, volunteered and donated to many JLB activities over an 8-year period prior to sustaining. The JLB activities closest to her heart and ones that she are most proud of is Read

Across America, Annual Food Drives, YWCA volunteer placements, raising funds for and volunteering at the Children's Advocacy Center, the JLB playground at Sugar Hollow Park and the United Way Day. In 2013 Stacey was asked to join the JLB Board of Directors again as a Sustaining Member to help further the JLB efforts and community impact. Stacey did so with much determination and again, jumped right in to serve her community. Stacey did all of this while becoming a new mom in 2005 and again in 2007 and as she juggled the demands of her job at BVU. Stacey's son, Aaron Joseph, was born on August 17, 2007.

E. FAMILY HISTORY

Stacey has said that her life did not begin until she became a mom. The day she became pregnant with Kathryn began her journey of selfless ambitions. From that day EVERYTHING she did it was for her kids. Stacey began her family at the age of thirty, very grateful that she had been able to concentrate on her career and was settled into a job that she loved and one where she could make a difference. After the birth of her son, Aaron, at the age of thirty-three, she was even more determined to make the world a better place for Kathryn and Aaron. She wanted to raise her kids in an environment where they were taught by example to give to others, to respect others, to love others, to serve others and above all things, to love God and put him first – very much the same values she was raised with. Stacey's renewed her commitment to her faith as she took on the greatest responsibility of her life – being a mother to Kathryn and Aaron. Stacey's pastor Scott Price writes "I have watched this family take their place in our church over these years, not only actively attending but faithfully serving in various ministries. I could not find anywhere a more dedicated family than the Pomrenkes." (Exh. O, sealed).

--At this point, a portion of this Sentencing Memorandum is filed under separate memorandum due to the sensitive nature of the material. See Sealed Portion 1 of the Sentencing Memorandum.--

E. FAMILY HISTORY, Continued.

In November 2010 Stacey married Kurt Pomrenke. In that same month Kurt adopted Kathryn and Aaron. Stacey would say, second to the birth of her children, that month was the happiest month of her life. Stacey and Kurt are raising Kathryn and Aaron in a strong family environment, one that has gone through so much to get to a safe, loving, healthy and nurturing space. On November 1, 2015, just days after Stacey was indicted and as she began preparing for a jury trial, her son Aaron became very ill. Aaron spent a week in the Niswonger Children's Hospital with an initial diagnosis of a mass (tumor) on his kidney. After further tests and radiology consults, the mass was diagnosed as an "angry" kidney infection. As Dr. Alison Whitman, the Pomrenke family doctor, writes "Had it not been for his mother's persistence in finding out his issue he could have died." (Exh. R, sealed). Aaron is now on an extreme regiment of fluid intake, daily monitoring of bathroom activity and high awareness of any pains in his side, back and chest. Aaron's kidney issue was a silent issue until it became a deadly one. Aaron is now under the care of Dr. Ahmad Wattad, Chief of Pediatric Nephrology for Quillen ETSU Physicians. Dr. Wattad writes "Mrs. Pomrenke was at his bedside the entire time he was hospitalized. Aaron has kidney issues and needs close supervision. I believe the best person to do supervise Aaron is the mother, Stacey Pomrenke." (Exh. S, sealed).

F. CAREER

Stacey had a successful career at BVU, just as she had at Virginia Gas Company and Evan Energy Company. That success was a direct result of her strong work ethic, her humbleness to roll up her sleeves and work along-side everyone at the company. Stacey always felt she had to work harder and smarter every day than her male counterparts to prove herself as a woman in a male dominated industry. Mike Leonard, a 35 ½ year BVU recent retiree writes “She led by her example of hard work and her willingness to go the extra mile to enable and encourage us to provide BVU customers with the best possible service. I never knew of any time when she “dropped the ball” in fulfilling her duties at BVU.” (Exh. P, unsealed).

In 2004 Stacey was a Tri-Cities 40 Under Forty award recipient. In the same year, the annual YWCA Tribute to Women event named Stacey as a Community Honoree. Later in 2008, the YWCA presented Stacey with the Bristol Tribute to Women Award for Business and Professional Category. Kathy Waugh, Executive Director of the YWCA, in a letter to Stacey wrote “It is a pleasure to have this wonderful opportunity to honor the women in our community who contribute so much of their time and their self to make the regional a better place, one step at a time.” (Exh. 8, unsealed). In 2008, Stacey was recognized and honored as one of 22 women included in the 2008 Class of Wonder Women, sponsored by the Multichannel News and Women in Cable Telecommunications. She was placed among ten “Women to Watch” out of the selected class of 22. (Exh. 9, unsealed). In 2009 Stacey was a nominee and finalist in the Virginia Business CFO of the Year Award. In 2010 she was named Virginia Business CFO of the Year Award for Large Nonprofit Organization and Governmental Agencies. On July 3, 2010

Dulcie Mumpower, past BVU Board Member, wrote, “I know of no one more deserving of this honor, you are the one!! You are such a great lady, and you excel in everything you do, that includes Mother of the Year Award. I am just proud to know you. BVU is blessed to have you on board. You are the best!” (Exh. 10, unsealed). On July 2, 2010 Archie Hubbard, past BVU Board Member wrote to Stacey “This is really an accomplishment. Stacey, we are all proud to have you on our team. Congratulations to you and your hard work.” (Exh. 11, unsealed). Delegate Joseph P. Johnson in a letter dated July 14, 2010 wrote “Stacey I am very proud of all the wonderful things you do in our community to make it a great place in which to live, worship, work, and raise a family. Keep up the good work. Please do not hesitate to call upon me at any time that I can be of help to you. May God’s richest blessings be upon you and your loved ones.” (Exh. 12, unsealed). On July 12, 2010 Don Ashley, then Mayor of City of Bristol, VA wrote “Congratulations for being named 2010 CFO of the year in Virginia by the Virginia Business Magazine. I know that this is quite an honor! As a former finance person myself, I know first-hand all the financial areas that you are involved in and have always been impressed with your overall knowledge – especially for BVU. I know that Bristol and BVU will have challenges ahead of us, but I am pleased that you are the CFO of BVU. Keep up the great work! Thank you again for your professionalism. Bristol is very proud of you.” (Exh. 13, unsealed).

In February, 2015, after BVU issued a Moody’s bond rating press release, Mark Lane, on February 24, 2015, sent an email to Stacey, copying twenty-one other BVU managers, stating “I was just about to file this away in my outlook folders without much thought when it struck me what this represents. This rating upgrade, and BVU’s financial stability overall, is a direct testimony of your financial leadership. I fully realize we have a great team of people supporting

you on the daily operations without whom it would not be possible. However, it's your working knowledge of the utility *AND* telecom industry, your grasp of regulatory issues, your ability to create business models and acquire grants, your conviction to argue and make hard financial choices, your integrity and willingness to stand up to politics vs. being a "yes-woman", your perseverance in adversity for the last 2 years, and your investment in the well-being of BVU, our employees, and the community we serve that are responsible for the outcome. This rating and BVU's financial stability speak louder than any self-motivated detractor ever could. Thank you for everything you do". Later that same day, BVU Board Chairperson Faith Esposito wrote to Stacey "I know Stacey. This is impressive, and wildly unappreciated. Thanks for all you do." (Exh. 14, unsealed).

Of all the career achievements she gathered, she was most proud of the overall achievements of BVU OptiNet, its hard working employees and the difference it was making in small town Bristol, VA and surrounding Southwest Virginia communities. In 2008 BVU OptiNet received the Governor's Technology Award, in 2009 BVU, with its OptiNet operating division, was named Top Seven Intelligent Communities Worldwide and in 2010 named a Smart21 List of Intelligent Communities. In 2009 BVU OptiNet was also awarded Community Broadband Fiber Network of the Year by The National Association of Telecommunications Officers and Advisors (NATOA). The award she and the company were most proud of was the 2008 American Public Power Community Service Award. This award was given to utilities that enhance the quality of life for their communities by sponsoring activities that address community needs and improve the location's social, cultural, educational or economic environment. BVU was cited for its outstanding community outreach programs, which included sponsoring a children's day during

the Rhythm and Roots Reunion festival, staging an annual Community Christmas Tree Lighting ceremony, providing a free movies-in-the-park summer series, and awarding scholarships to local high school seniors.

Fred Ritts, a Washington D.C. energy attorney that represented BVU for the thirteen years Stacey was employed, writes “The conduct at issue in this prosecution is not at all what I would have expected based on my many years of experiencing work with Ms. Pomrenke. It is so out of character in fact that I have a hard time believing that it is true. She never asked, suggested or hinted that I should do anything improper to keep BVU’s business. She never, ever suggested anything improper of any sort. She was always above board and was an open and honest person.”(Exh. Q, unsealed). Deborah Samples, a friend and former work colleague with BB & T Employee Benefits states in her letter, ‘Ms. Pomrenke always insisted on making decisions that were the fair and right thing for BVU’s employees. I have never worked with anyone as professional as Ms. Pomrenke.’(Exh. R, unsealed).

G. COMMUNITY SERVICE

Despite her career achievements, Stacey was most passionate, second to being a mom, about her work in the community – including assisting in tornado relief efforts, filling backpacks with food for kids who needed food to sustain them over a weekend, serving on many different health care boards to address the pressing and growing health needs of our communities, and participating for nearly 12 years in the Christmas Santa Pal program where she and BVU employees would adopt many families and provide them with a Christmas. Stacey’s twenty-year best friend Angela Cvetkovski writes “Although 60-plus hour work weeks were her norm she

still found time to volunteer for several philanthropic agencies in the region.” (Exh. C, sealed).

Reverend Barbara Farmer writes “I first met Stacey in 2011 when tornadoes tore through Washington County, Virginia, causing considerable damage to property owners in our area. For the better part of two years she and I volunteered together on the Long Term Recovery Group which was administered through United Way. I found Stacey to be one of the most dedicated and caring volunteers I have been privileged to work with. She donated her administrative skills through this difficult time, and property was restored and people were given hope of recovery.”(Exh. S, unsealed).

Since 2004, Stacey has served on the following boards or volunteered for the following agencies in our community: Virginia Highlands Community College Business-Related Curriculum Advisory Committee, Washington County Chamber of Commerce, Junior League of Bristol VA / TN, YWCA Patrons Chair, YWCA Gyrls Tech Program, Speedway Children’s Charities, Bristol Regional Medical Center Board of Directors, YWCA Junior Board, Board of Directors and President of United Way Virginia Highlands, Campaign Committee United Way Virginia Highlands, Recovery Team United Way Virginia Highlands, March of Dimes, Healing Hands Health Center, Healing Hands Health Center Co-Chair Fundraiser, Eastman Credit Union Board of Directors, American Heart Association – participant of first Go Red for Women fundraising group, Virginia Highlands Community College Advisory Board, guest speaker at business department at John Battle High School, Board of Directors of Appalachian School of Law Natural Resources Committee and many other community services.

Roger Leonard, a family friend and current Board Chairman for Wellmont Health System

writes “It has been my privilege to work alongside Stacey Pomrenke in our capacity as community service volunteers as we are both past chairs of our respective United Way board of directors and have served Wellmont in various volunteer capacities. During this time she has impressed me with her compassion, dedication and servant leadership.” (Exh. T, unsealed). Roger went on to state “Stacey served on both the Bristol Regional Medical Center board of directors and later joined the system audit and compliance committee where she made recommendations to improve committee processes and procedures during a period of significant audit and compliance department transition after the long-time director developed a terminal illness. Stacey advocated for separation of the audit and compliance functions, since those functions required different skill sets.” (Exh. T, unsealed).

Kyle Macione, a fellow community board director and family friend writes “I have known Stacey through formerly serving with her on Eastman Credit Union’s Board of Directors and as a former member of the Audit Committee. Her portrayal has been very different from the Stacey who I have come to know over the past several years. In fact, Stacey consistently impressed me as a well-intentioned individual of high moral character.”(Exh. U, unsealed).

Vaugh Groves, retired General Counsel for Alpha Natural resources and family friend writes of Stacey’s community contributions “Stacey and I shared the same vision that we had been given so much that we needed to give back to the communities we lived in. When I was Campaign Chair for the United Way in 2010, Stacey was on my cabinet and worked tirelessly to raise money for United Way efforts. We exceeded our goal that year which ultimately helped those who were less fortunate in our area.” (Exh. V, unsealed).

Stacey also found time to volunteer at her children's school. Blake Baker, Secondary English teacher writes "As a school volunteer, Stacey is actively involved with the needs of her children during the day, their classes and our school. She is generous with her time and energy to assist in such things as decorations / set up for events, meal preparations, table-serving at functions, chaperoning and transportation to field trips, etc. Essentially, if the doors are open and there is a need, be assured Stacey Pomrenke is involved."(Exh. W, unsealed).

Molly Zaidi, a long-time friend of Stacey's writes "Stacey has always been a friend who is well-liked and respected by all. Over the years, I have admired her ability to manage a professional career, family, friendships, yet still make time to volunteer in so many capacities. She isn't a person to say no and always finds a way to get the job done." (Exh. X, unsealed). Another long-time friend Sarah Gilmer writes "In addition to her love for family, Stacey's love for her community has always been a priority in her life as well." (Exh. T, sealed).

Even during one of Stacey's most stressful times of her life (second only to the event described in document which has been filed under separate memorandum), post a very public, humiliating, difficult jury trial, she continued to serve her community. For several months in the Spring and Summer of 2016 she volunteered at Healing Hands Health Clinic and Wesley Medical Clinic. Barbara Farmer, director of the Wesley Medical Clinic, writes "Stacey Pomrenke is one of those volunteers who has donated her time and provided invaluable service to the Clinic. She has been able to take very unorganized financial and statistical information and create spreadsheets for volunteer hours and value of medical services provided. She has willingly used her talents to provide an incredible free service to the medical clinic. For several weeks, she carried boxes of statistical records to her home to work on them while she cared for her two

children and husband. She went far beyond what could have been asked of her in order to clean up seven years' worth of statistical information as her gift to the clinic." (Exh. S, unsealed).

Stacey did not have to do this, she could have just gone home and attempted to deal with and process the issues at hand that faced her family, but, no, this is the Stacey that perseveres, that continues to see the needs around her and reaches out to help and volunteer.

Roger Leonard added in his letter "It was apparent to me that she was a very talented and highly motivated professional who, *as a young, single mother, was pulling herself up the bootstraps to provide for her young children and contribute to her community.*" (Exh. T, unsealed). This is again what Stacey is doing during this very difficult time – she is doing her best to be a strong Mom, Wife and community servant.

H. MERCY AND COMPASSION

All throughout Stacey's life she has displayed compassion and care for others. In 2009, after learning that a co-worker and dear friend was diagnosed with breast and liver cancer, Stacey coordinated with BVU employees and others to help care for her. This lady was Sandra Munsey. As Sandra's brothers, Rick and Steve, recall in a letter written to the court "Stacey was more than a supervisor for our sister; she was a friend and a rock in our sister's life. During our sister's last several months on this earth, Stacey made visits to the hospital to be with our sister, to sit with her and give her a hand to hold and a friend to talk to. Stacey attended doctor visits, took our sister to chemotherapy treatments, arranged work schedules that met our sister's needs, donated time off and organized other members of BVU to do odd jobs around our sister's house and to prepare and deliver meals to our sister at home when she was unable to do those things herself.

We can honestly say that Stacey was an important part of our sister being able to battle her breast cancer as long as she did. Without Stacey's support – both as a friend and as a supervisor – our sister's battle would have been much more difficult. In fact, Stacey was the first non-family member to be contacted the night our sister passed away.” (Exh. Y, unsealed. Exh. Z, unsealed).

In 2010 Stacey saw that a teacher at her son's preschool was becoming very sick. She knew that Ms. Becky did not have insurance and saw a stark decline in her health. Becky recalls in a letter “On Tuesday, December 21st, I was on lunch break when the director brought me the phone and said “Stacey needs to talk to you.” I answered and Stacey informed me that by the end of the night a doctor would call me and I would have help.” She goes on to say “He scheduled an appointment for Dec 23rd after the lab results came in. On that day I finally got my answer. I was diagnosed with Addison's disease and Hyperthyroidism. Stacey did not have to do what she did for me. She was not asked to do it and I had nothing to offer her in return. She saw the need and she helped. If it wasn't for Stacey I wouldn't be here today.” (Exh. U, sealed). Becky's mother, Phyllis Campbell, adds “We were scared we would lose her (Becky). When she got to the point that she was at her worst, Stacey stepped up and offered to help. If Stacey had not stepped up when she did, I do not know if I would still have my daughter.”(Exh. Aa, unsealed). Becky's adopted son, Hunter Smith, writes “The doctor told us that without the treatment he gave, Becky would have died. I don't know where I would be right now without Becky. She (Stacey) kept me from losing my mom.....”(Exh. Ab, unsealed).

Carri Price Barker, a family friend also writes about Stacey's compassion and sensitive attentiveness of those around her. Carri writes “Stacey also came to my aide when I was in the hospital with a serious lung condition. If it were not for Stacey caring enough about me and

helping link me to the best doctors around, I do not believe I would have received the medical care and assistance I did under the request of Stacey.” (Exh. Ac, unsealed).

Beth Osborne Skinner, Stacey’s Sunday School teacher at Fellowship Chapel and friend writes “Stacey is also a devoted friend who is “hands on” when it comes to helping. There are around 45 women in that class and, at any given time, we always have at least one member who is facing a serious health crisis. Although most of us work, we do what we can in those situations by bringing meals, sending gift baskets and visiting. On numerous occasions, Stacey has been the one who has gone to the home and delivered the meal or the basket and it was her joy to do so.”(Exh. Ad, unsealed). Linda Stout, a friend and retired City of Bristol, VA public school teacher writes “When I had hip surgery, Stacey brought dinner to our house. She had done this when my husband had surgery. This typifies the kind of person Stacey is. She is kind, caring and hard-working.”(Exh. Ae, unsealed).

Mike Leonard, a 35 ½ year retired BVU Lead Line Foreman writes “Stacey is truly a good person who sincerely cared about BVU and the employees who worked there. I will always appreciate my time spent working with her and will always treasure her friendship.”(Exh. P, unsealed).

Jim Briscoe, a retired BVU water plant supervisor reflected on Stacey’s genuine concern and care for others as he writes “While working with her, I witnessed the great compassion she has for others. Stacey was there for fellow workers who were experiencing health issues, giving of her time to visit them, and helping with monetary needs. Most of the time she was the one who organized others to aid those in need.” (Exh. Af, unsealed).

Frankie Elam, Stacey's cousin recounts in a letter "Stacey Pomrenke is one of the most caring people I know. Numerous times I have seen her go out of her way to help someone in need. Recently, due to a diagnosis of cancer, my mother-in-law filed for her disability retirement through the Virginia Retirement System (VRS) after working 20 years in a local school system. After being denied for her disability retirement on two occasions, Stacey helped her file an appeal and represented her as a non-legal representative and won the appeal. This is just one example of a selfless act that Stacey is known for." (Exh. L, sealed).

In a 2012 note to Stacey from Gail Childress, BVU Director of Community Outreach wrote to Stacey "Thank you for all the cards, food, and prayers while I have been recuperating. Your friendship means so much to me; you are a precious person. It means so much to know that someone is praying and ready to help. Your concern and care flows out to everyone you touch and God blesses your heartfelt concern. Thank you so much. Love you, Gail" (Exh. 15, unsealed).

In a note from Donna Biggs, BVU Administrative Manager, Donna writes to Stacey "Thank you so much for the money to help with expenses during Robert's illness. Also, thank you for taking time each day to ask about him and his progress. Your prayers, support and encouragement mean so much. I appreciate you and our BVU family. Love, Donna". (Exh. 16, unsealed).

In a March 2011 note from Joe Miller, Grounds Manager for BVU he wrote "Dear Stacey, Thank you so much for the gift of vacation time, it is very kind and generous of you. I hope to be back to full strength very soon! Sincerely, Joe Miller". (Exh. 17, unsealed).

--Part II of the Memorandum which has been filed under seal is referenced at this point.--

SENTENCING

As referenced at the beginning of this Memorandum, the Court has a unique opportunity to serve the ends of justice of punishment and deterrent by sentencing Stacey Pomrenke to a sentence of probation, house arrest and community service without further destroying her life and the lives of her family, especially her children.

There are a number of reasons why this would be appropriate:

(1) A term of incarceration would have a devastating and permanent effect on her children, both physically and psychologically. Stacey Pomrenke stands in a unique position as she is the only one, as shown by medical and counseling evidence, that can provide the personalized care they need.

(2) She has already been “professionally destroyed, financially ruined, and publically humiliated” which is in and of itself a tremendous punishment. (See letter from Larry and Carolyn Bales, Exh. Ag, unsealed).

(3) Faith in Action is ready to put her to work on a voluntary basis for forty (40) hours a week. Service to the community would better serve the interests of justice than a time of incarceration which returns nothing to society, especially given Stacey Pomrenke’s lack of criminal history and low risk of recidivism. (Exh. Ah, unsealed).

(4) She has given back to the community in numerous ways and can continue to do so.

(5) In moments when no one was watching and without expectation of reward or recognition,

she has served other individuals in time of need as shown herein. This is a testimony to the fact that any conduct the court sees as criminal is truly aberrant behavior.

6. Her total lack of a criminal record.

7. The letters referenced herein are filed along with other letters of support for Stacey Pomrenke.

Respectfully submitted,

STACEY POMRENKE

By Counsel

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CERTIFICATE

I hereby certify that on the 3rd day of August, 2016, I electronically filed the foregoing Sentencing Memorandum with the Clerk of the Court using the CM/EMF system which will send notification of such filing to the following: Zachary T. Lee.

/s/ David L. Scyphers